



# Bridging the Gap

Vol. I, No I

## The Official Newsletter of the Interstate Commission for Adult Offender Supervision

### Extradition vs. “Retaking”—What’s the Difference and Why Does it Matter

By: Rick Masters, Special Counsel

Perhaps the most common misconception in the administration of the Interstate Compact for the Supervision of Parolees and Probationers was the notion that “retaking” an offender who has violated the terms of his probation or parole in a receiving state to which such an offender has been transferred is no different from “extradition.” Many compact administrators and others associated with the interstate compact have equated these two terms and used them interchangeably.

As the Interstate Compact for Adult Offender Supervision embarks on its legislatively delegated responsibility to promulgate, administer, and enforce this important public safety compact to promote both accountability and public safety in the only existing federal or state laws allowing for the transfer of supervision of offenders among the states, it is crucial that all those associated with the implementation and use of the compact understand the fundamental differences between both the terms “extradition” and “retaking” and the two legally distinct processes represented by these words.

“Extradition” is a term which arises from Article IV, Section 2, of the United States Constitution which provides as follows:

“A person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on demand of the executive Authority of the State from which he fled, be delivered up, to Be removed to the State having Jurisdiction of the Crime.”

“Retaking” is a term which derived from Article (3) of the Interstate Compact for Parole and Probation of 1937 which provides in part:

“That duly accredited officers of a sending state may at all times

enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken...”

While the term “retaking” is not used in the Interstate Compact for Adult Offender Supervision, the compact clearly anticipates the need to apprehend and return offenders to the jurisdictions from which they came and provides in Article I as follows:

“The compacting states to this Interstate Compact recognize that each state is responsible for the supervision of adult offenders in the community who are authorized pursuant to the Bylaws and

rules of this compact to travel across state lines both to and from each compacting state in such a manner as to track the location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary return offenders to the originating jurisdiction.”

It is clear from the foregoing provisions of the Constitution and the compacts that “extradition” and “retaking” are not one and the same. Article IV, Section 2 of the Constitution only applies to a person who has been “charged in any state with treason, felony, or other crime” and “who shall flee from Justice, and be found in another state.” In contrast, offenders transferred from one state to another under either the Parole and Probation Compact or the Interstate Compact for Adult Offender Supervision have clearly not fled from justice and are lawfully in the receiving state pursuant to the terms of the interstate compact(s).

A number of federal and state courts decisions have distinguished “extradition” from “retaking” based on the foregoing provisions of the Constitution and the Interstate Compacts and have recognized that these terms represent two distinct legal processes. See for example, *Niederer vs. Cady*, 24 N.W.2d 626 (1976); *Commonwealth of Pennsylvania vs. Kaminsky*, 214 A.2d 251 (1965); and *Seward vs. Heinze*, 262 F.2d 42 (9th Cir. 1958). The upshot of these cases is that where jurisdiction over a parolee or probationer is vested in the compact transfer process, as provided under the Parole and Probation Compact or the Interstate Compact for Adult Offender Supervision, that the Constitutional provisions concerning extradition do not apply. Essentially these cases provide that if the offender was transferred into the state under the provi-

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## Committee Updates

### Rules Committee

The Rules Committee has met three times by teleconference since its formation in early January 2003. The eleven members, staff from CSG, and counsel have been joined by interested parties from around the nation as we have discussed the issues surrounding rules for the transfer and supervision of offenders under the compact. More meetings are planned by teleconference for May, and the committee will meet in person in Lexington, Kentucky in early June. All members of the Commission and members of the public are welcome to listen in to the telephone conferences and observe the committee meetings.

The committee has approached its work by dividing into subcommittees, each of which has considered the issues that are mandated in the compact for consideration in the first 12 months of the commission's existence. Those areas are: eligibility for transfer; data collection and reporting; mediation, arbitration, and dispute resolution; offender violations and returns to sending state; offender registration and compliance; level of supervision to be provided by the receiving state; transfer procedures and forms; collection of restitution and fees; and, notice to victims and opportunity to be heard. Following the consideration of these areas, the committee will draft proposed rules to submit to the Commission for its consideration and adoption at the November 2003 meeting.

Anyone who wishes to comment on any area pertaining to rulemaking may do so by contacting the Rules Committee chair, Kathie Winckler at [kathie@winkler.us](mailto:kathie@winkler.us).

### Training, Education & P.R. Committee

The Training, Education, and Public Relations Committee met several times via conference call. Much of the committee's work will focus on training/education once the rules and compliance procedures are adopted; however, there are several ongoing projects in the interim. The first is this quarterly newsletter, which we hope will keep everyone updated on current Compact activities. Kudos to Don Blackburn for spearheading this project with John Mountjoy's assistance! Committee members are also working on creating a promotional brochure with basic Compact information to use for training purposes, developing a protocol for the Speaker's Bureau, exploring outreach possibilities with various agencies such as the National Center for State Courts and to both member and non-member states, and gathering information on State Council meetings to assist other states in that process. While there haven't been many requests for training yet, Ann Hyde recently made a presentation to the Indiana Judges and reports the session went very well. We look forward to the meeting in June to work on the above noted projects and developing a standardized training curriculum to ensure consistency in future compact training. If you have any ideas or suggestions for the committee, please let us know. Committee members are Don Blackburn, Ann Hyde, Mary Schamer, Lowell Brandt, and Pat Tuthill.

Comments and questions to Genie Powers at [powers@corrections.state.la.us](mailto:powers@corrections.state.la.us).

### Information Technology (IT) Committee

The times, they are exciting and changing. November 2002 saw the birth of the Interstate Commission for Adult Offender Supervision, setting into motion events that continuously gain momentum. Building an organization to conduct day-to-day business seems a monumental exercise. As a member of the American public that realizes the potential of the Interstate Compact for Adult Offender Supervision, I feel safer already.

The Executive Committee held a teleconference in December 2002 and appointed Commissioners to staff Standing Committees. In January 2003 the Executive Committee met in Salt Lake City, UT. Since January 2003 several teleconference committees have been held; however, an IT teleconference committee meeting does not number among those. The lack of an IT teleconference committee meeting does not equate to a lack of progress in developing an Information Management System (IMS).

In 2002, the Bureau of Justice provided funding to American Probation Parole Association (APPA) for the purpose of forming

a Working Group charged with the task of developing functional requirements for an IMS to be built for and utilized by the Interstate Compact for Adult Offender Supervision. On March 7, 2003, David Guntharp, the Commission Chair pledged the support of the Commission to this project. The functional requirements developed by this Working Group are to be presented to the Commission in November 2003 for perusal and approval. The next step in the process of building an IMS is to compose a Request for Proposal (RFP) to build the system.

The APPA formed the Working Group and scheduled the initial meeting before formation of the Interstate Compact Commission. In March and April of 2003 the APPA scheduled subsequent meetings and the final meeting of the Working Group is scheduled in July of 2003. Between July and November the functional requirements are to be fine tuned for composed for presentation.

Comments and questions to Jim Cotton at [jcotton@paroles.state.al.us](mailto:jcotton@paroles.state.al.us).



## “A Day in the life of a Deputy Compact Administrator”

**8:00 a.m.** The workday begins not with a cup of fresh coffee but with an urgent phone call from a probationer's spouse. She is calling to check on the status of her husband's investigation. I ask for her husband's name so I can run him through my database. It turns out Montana has requested that we investigate her husband's case for acceptance in Arizona. The probationer's wife and children currently reside in Arizona and he wants to reunite with them. I tell her that we have 2 more weeks before our investigation is due. It is obvious that she is anxious for Arizona to accept supervision of her husband's case so I spend a few minutes talking to her and explaining the basic investigation rules of the Compact, specifically the 45 day rule.

This will be only one of many phone calls that I will receive today from either a probationer's family member, a probationer, an attorney, a judge, a probation officer or other compact professionals who have questions concerning a case or a Compact rule. These calls will come from within Arizona and across the country. I spend the next hour and a half fielding phone calls and answering email messages.

**9:30 a.m.** I am pulled away from my regular daily duties to help write a rebuttal statement to key legislators regarding the most recent budget proposal that would drastically cut Arizona probation programs. I am hoping to be back in my office no later than 11:00 a.m. to finish preparing for the interstate compact training that I have scheduled for tomorrow.

**10:30 a.m.** I am back to preparing my training presentation for tomorrow. Fortunately, my PowerPoint presentation only requires a few updates and changes. Normally when I train probation officers I cover all of the rules that govern the transfer, acceptance and supervision of offenders between state lines, but this training will be different. It will be the first training that I have conducted in Arizona in which superior court judges, public defenders, prosecutors and probation line staff will be in attendance at the same training. This will provide these criminal justice professionals the opportunity to hear each other's questions concerning the Compact and to voice any concerns they might have about the process. A vital part of my position is to ensure criminal justice professionals are trained and updated on the rules of the Interstate Compact. This helps to ensure Arizona is in compliance with the rules of the Compact which maintains public safety and offender accountability.

**11:00 a.m.** My revised and shortened version of the Compact training is complete. Once I make the necessary copies of the presentation and course evaluations, I can make time for lunch.

**12:15 p.m.** I check my voice mail and email messages. Only 11 total. I take some time to prioritize my messages and return those who make the top of my list first. At the top of the list is a phone call from a local probation officer. She recently submitted a transfer investigation request through my office.

The case in question meets the mandatory acceptance criteria of family and means of support yet the receiving state has denied the request. The local probation officer has asked me to dispute this denial, all in a day's work.

**12:45 p.m.** I pick up the phone and contact my colleague in the receiving state. We discuss the matter of the denial and are able to come to a quick resolution to the matter without utilizing the formal grievance process.

**1:15 p.m.** In between email messages, phone calls and questions from staff, I get some work done for a statewide probation committee that I am chairing. I have been working with probation and criminal justice professionals statewide to draft policies and procedures for the intrastate (county to county) transfer of probationers.

**2:00 p.m.** At any given point on any given day, I have a list of cases that I am working on with other states. Most of these cases involve invalid denials (denials written against compact criteria) and offenders who are physically in Arizona without Compact permission (either their case was previously denied and they were never returned by the sending state or the offender was sent to Arizona by a court or an officer without notification or permission from Arizona Compact). I could spend most of my day working on these cases so I prioritize them based on the seriousness of their offense. Sex offenders are always at the top of the list, followed by violent offenders and property crime offenders.

For the last couple of hours I have prepared several email messages and memos to my colleagues in compact offices across the country regarding these cases that are in need of resolution.

**4:05 p.m.** It is now the best time of the day to review incoming and outgoing packets that my office received today. I usually only review the packets on violent and sex offenders while my staff review the rest. On average, we process over 200 packets each month. The packets are reviewed to ensure that they are complete (all mandatory documentation is included).

In addition, I check the incoming requests on sex offenders and violent offenders to make sure the offender is not present in Arizona without Compact permission. If they are present and I cannot find a record of providing reporting instructions (permission), I contact the sending state's compact office immediately. I also check our outgoing requests to ensure that Arizona has not allowed a violent or sex offender to proceed to another state without their permission. This system of checks and balances, training, technical assistance and dispute resolution make up for most of any given workday in the Compact office.

**5:30 p.m.** The end of the day comes fast. I look forward to tomorrow and another day in the Compact office where there will always be cases to solve and people who need assistance.

*Dori Littler is Arizona's Deputy Compact Administrator.*

## Bulgarian Judges Visit Connecticut

On Friday March 28, 2003, Interstate Compact Commissioner Michael L. Mullen hosted seven judges from Bulgaria through the Department of State's International Visitor Program. This was a collaboration of the U.S. State Department along with the U.S. Department of Justice, National Institute of Corrections (NIC). The Connecticut Board of Parole was chosen to be one of the several venues the judges visited throughout their 30-day stay in the United States.

Chairman Mullen, along with the Connecticut Board of Parole staff, spoke to the judges on the topics of parole technical violations, residential AICs (Alternative to Incarceration Centers), and Connecticut's Parole Works program. The visitors from Bulgaria also learned about the general structure and organization of the Board of Parole's hearings division and field supervision division. A Supervisor in the field division explained some of the innovative programs within the Connecticut Board of Parole. The Bulgarian judges also had the opportunity to sit in on two a parole hearings, including one using video technology

with the Board Members at one location, inmates in their respective prisons, victims and family members at a third location.

The Bulgarian Judicial System has asked for Connecticut Board of Parole's help in implementing post-incarceration programs in their own country. Connecticut looks forward to working internationally with other Criminal Justice and Judicial Systems.



## Fourth Amendment Issues and Travel Permits

A question has come up over and over about the authority of probation and parole officers to conduct searches and urinalysis tests on offenders visiting states on travel permits. This article will try to give some guidance to this issue.

Generally, the Fourth Amendment prohibits a search of a person, place, or object when or where there is a reasonable expectation of privacy unless it is pursuant to a search warrant supported by probable cause. There is some authority to the effect that the scope and dimension of a probationer's and parolee's Fourth Amendment rights are the same as those of the public at large. However, the weight of authority is to the contrary. There is considerable authority supporting the proposition that probationers and parolees may lawfully be subjected to searches which, absent their probation or parole status, would be deemed unlawful because of the absence of probable cause or a search warrant or both.

As the Court pointed out in *U. S. v. Knights*, 534 U.S. 112, 119 (2001), inherent in the very nature of probation or parole is that probationers or parolees do not enjoy "the absolute liberty to which every citizen is entitled." The state has a heightened interest in monitoring the behavior of a parolee or probationer because a parolee or probationer is more likely to violate the law than an ordinary citizen. *Id.* at 120. As a result, many parole or probation orders explicitly include conditions allowing searches or drug tests without a warrant by parole or probation officers. Courts have generally held that searches or drug tests conducted in accordance with such orders are valid if they are based upon reasonable suspicion. Some courts have even gone so far as to

hold that reasonable suspicion is not required when random searches or searches "at any time" are authorized by conditions in a probation or parole order.

A question has arisen about whether a probation or parole officer can enforce conditions of probation and parole established in another state. This situation occurs prior to the creation of a compact agreement when a probationer or parolee obtains a travel permit from a probation or parole officer in order to travel to another state in anticipation of later requesting, through the compact system, a change of jurisdiction to the new state.

This question is difficult to answer in broad sweeping terms because jurisdictions establish different conditions for probation and parole. If one of the conditions established, as it was in the *Knights* case, is for a reasonable suspicion search to be conducted by any probation or law enforcement officer, an argument can be made that this covers a search or the taking of a urinalysis test by an officer in the traveled-to-state. Also, as mentioned earlier, conditions of parole and probation vary from jurisdiction to jurisdiction.

A consistent approach should be adopted through the compact system. A form should be adopted as part of travel permit requests that explicitly informs and requires a waiver of any rights under the Fourth Amendment. Thus the offender consents to the right for officers in the traveled-to-state to carry out all of the conditions of probation and parole, including reasonable suspicion searches and urinalysis tests.



The probationer or parolee's written acceptance of such conditions should prevail in any Fourth Amendment challenge.

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State v. Gansz, 297 So.2d 614 (Fla.App.1974)(holding that "the fact that a defendant is a probationer does not deprive him of his constitutional guaranty against unreasonable searches and seizures"); People v. Eastin, 8 Ill.App.3d 512, 289 N.E.2d 673 (1972)(holding state had not shown reason why parolee not entitled to usual Fourth Amendment protections); State v. Cullison, 173 N.W.2d 533 (Iowa 1970)(holding that as "to seizure of evidence relative to a new and independent criminal action," a parolee's Fourth Amendment rights must "be accorded the same recognition as any other person").

United States v. Gordon, 540 F.2d 452 (9th Cir.1976); United States v. Consuelo-Gonzalez, 521 F.2d 259 (9th Cir.1975); State v. Jeffers, 116 Ariz. 192, 568 P.2d 1090 (App.1977); People v. Kasinger, 57 Cal.App.3d 975, 129 Cal.Rptr. 483 (1976); People v. Mason, 5 Cal.3d 759, 97 Cal.Rptr. 302, 488 P.2d 630 (1971); Croteau v. State, 334 So.2d 577 (Fla.1976); People v. Chinnici, 51 Misc.2d 570, 273 N.Y.S.2d 538 (1966); State v. Tarrell, 74 Wis.2d 647, 247 N.W.2d 696 (1976). See also State v. Mitchell, 22 N.C.App. 663, 207 S.E.2d 263 (1974), upholding consent to searches in future as a condition to receiving a suspended sentence.

In *Knights*, the Supreme Court unanimously concluded that the probation search condition of the defendant's state probation--requiring him to submit to a search of his person, property, residence, vehicle, or personal effects "at any time," with or without a warrant or reasonable cause, "by any probation officer or law enforcement officer"--was a "salient circumstance" in the Fourth Amendment analysis of the search conducted in the defendant's apartment. 122 S.Ct. at 589, 591. The Court noted, in particular, that the defendant had signed the probation order, which stated his awareness of the terms and conditions of his probation and his agreement to those terms. *Id.* at 589. Similarly, in *U. S. v. Thomas*, 729 F.2d 120, 122-123 (2d Cir. 1984), the Second Circuit acknowledged that conditions on a parolee's release, of which he is aware, diminish his expectation of privacy: "Having been alerted to the conditions of parole, [the defendant] would not have the expectation of privacy enjoyed by ordinary citizens."

## Extradition continued from page 1

sions of the interstate compact, then the return of the offender is properly accomplished pursuant to the provisions of the interstate compact and its duly authorized rules and regulations. If an offender is charged with a crime and has fled to another state as a fugitive from justice, then the Constitutional provisions concerning "extradition" are applicable and that this is the proper legal means of apprehending and returning the fugitive to the state where criminal charges have been filed.

The rules pertaining to "retaking" of offenders under the compact are currently under review by the Rules Committee of the Interstate Commission for Adult Offender Supervision to insure compliance with due process concerns raised by the U.S. Supreme Court regarding Article III of the Parole and Probation Compact in *Morrissey vs. Brewer*, 408 U.S. 471 (1972) and *Gagnon vs. Scarpelli*, 411 U.S. 778 (1973). However, while providing that both probationers and parolees have an entitlement to a minimal due process "probable cause" hearing prior to being "retaken," in neither case did the Supreme Court question the jurisdiction or authority provided under the Interstate Compact to "retake" offenders.

As we consider and discuss the implementation of proper procedures for the "retaking" of offenders under the new compact it is important to recognize the distinction between this process and what has commonly and erroneously been referred to as "extradition." This is definitely not a distinction without a difference.

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See, e.g., *State v. Anderson*, 189 Colo. 34, 536 P.2d 302, 305 (1975) (affirming parolee defendant's conviction of felony-theft and adopting the "middle ground" or reasonable grounds approach for warrantless searches incident to parole); *Green v. State*, 194 Ga.App. 343, 390 S.E.2d 285, 287 (defendant probationer's cocaine possession conviction upheld where urinalysis results obtained pursuant to a probation agreement, prompted by good-faith suspicion, were admitted at trial following denial of a motion to suppress), *aff'd*, 260 Ga. 625, 398 S.E.2d 360 (1990). *State v. Fields*, 67 Haw. 268, 686 P.2d 1379, 1390 (1984) (recognizing warrantless searches of probationers are constitutionally permissible where test of reasonableness is met); *State v. Pinson*, 104 Idaho 227, 657 P.2d 1095, 1101 (Ct.App.1983) (adopting "reasonable grounds" approach in affirming revocation of defendant's probation after a warrantless search of defendant revealed illicit drugs); *Seim v. State*, 95 Nev. 89, 590 P.2d 1152, 1155 (1979) (adopting intermediate approach upholding the defendant's conviction of possession of stolen property and revoking his probation); *Pena v. State*, 792 P.2d 1352 (Wyo.1990) (upholding conviction for conspiracy to deliver cocaine and other offenses based on evidence obtained during parole officer's search of parolee's home, adopting reasonable suspicion test).

See *U. S. v. Reyes*, 283 F.3d 446 (C.A.2 (N.Y.) 2002) ("we hold that because home visits 'at any time' are conducted pursuant to a court-imposed condition of federal supervised release of which the supervisee is aware, and because a home visit is far less intrusive than a probation search, probation officers conducting a home visit are not subject to the reasonable suspicion standard applicable to probation searches under *Knights*"); *State ex rel. A.C.C.*, 44 P.3d 708, (Utah 2002) (juvenile probation officer did not need reasonable suspicion to search A.C.C.'s car and backpack in car); but see *State v. Valesquez*, 672 P.2d 1254 (Utah 1983) (probation search can not be conducted on a mere hunch without factual basis, nor upon casual rumor, general reputation, or mere whim)

"The probation order included the following condition: that *Knights* would '[s]ubmit his ... person, property, place of residence, vehicle, personal effects, to search at anytime, with or without a search warrant, warrant of arrest or reasonable cause by any probation officer or law enforcement officer.' . . . We therefore hold that the warrantless search of *Knights*, supported by reasonable suspicion and authorized by a condition of probation, was reasonable within the meaning of the Fourth Amendment"

I have not discovered any case law dealing with this scenario, but, as the Court indicain *Knights*, the search condition of a probation order was a "salient circumstance" in the Fourth Amendment analysis of a warrantless search of a probationer's residence, and having been alerted to the search conditions of probation or parole, the defendant "would not have the expectation of privacy enjoyed by ordinary citizens."

**2003 Interstate Commission for  
Adult Offenders Supervision  
Annual Business Meeting  
Nov. 3,4,5, 2003  
Peabody Hotel  
Little Rock, Arkansas**



**For more information, visit  
[www.adultcompact.org](http://www.adultcompact.org)**



## Midwest Region Report—Reports from Selective Regional States

**Kansas:** The Kansas State Council had its fifth State Council meeting on May 8, 2003. The purpose of this meeting was to discuss any issues that we wanted to present to the Rules Committee. During our next several meetings we plan to develop Bi-laws, establish qualifications for the Compact Administrator and Commissioner and deal with some state wide policy issues related to the Interstate Compact.

**Wisconsin:** Wisconsin's Interstate Adult Supervision Board met for the first time on May 2, 2003. The board appointed the Compact Administrator as the Commissioner. The Compact Administrator was also selected to be the board's Chairman. The initial meeting was primarily an orientation for board members to the history and current status of the interstate compacts. The board reviewed the structure of the Interstate Commission and associated standing committees, and received information about Wisconsin's compact office, including administrative structure, staffing and the volume of interstate compact activity. The board scheduled its next meeting for October 10, 2003.

**Iowa:** Lowell Brandt, Iowa DOC's Assistant Director for Offender Services has recently been appointed the states Interstate Commissioner. Charlie Lauterbach, will remain in his current position and be in charge of the day to day operations of Iowa's Compact office. We plan to have our first State Council meeting later this summer.

**Minnesota:** The Minnesota State Council held it's first meeting on August 21, 2002 and has held two meetings since. The council will meet on a quarterly basis unless otherwise deemed necessary by the chair. In addition to the eight members identified in statute, the council includes advisory members appointed by the Compact Administrator. The Council will function in an advisory capacity and the day-to-day operations will continue to be the responsibility of the Compact Administrator.

**Nebraska:** On Friday, May 23, 2003, the Nebraska Legislature passed LB 46 which contained the New Compact along with several other community corrections provisions. LB 46 contained the emergency clause which made the New Interstate Compact effective immediately. It may be a while before we know who the Governor will appoint as the commissioner for Nebraska.

**South Dakota:** The State Council in South Dakota has held two meetings. We prepared a "briefing book" for the council members prior to the first meeting and devoted most of the time at the first meeting training the council members. The council's role will be to promote the compact in the state, to provide citizen input to the staff operating the compact, to assist in the enforcement of compact rules and to represent the compact at legislative, judicial, law enforcement and victims meetings in the state. The second meeting was held in the state capitol while the legislature was in session to give legislators the opportunity to receive information on the new compact implementation process and information on compact operations.

**North Dakota:** North Dakota held it's first State Council meeting on May 14, 2003. At the meeting we discussed the reason for the new compact and potential role for the State Council. Our law requires two meetings a year. We looked at holding the next meeting following the adoptions of the new compact rules in November.

**Ohio:** The Ohio Council members have been appointed and had one meeting since passing the legislation. We prepared a manual for each member of the council and met with them individually as they were appointed in an attempt to establish a more personal relationship. Most of the first meeting was devoted to education, training and discussing compact issues. The council agreed to meet annually just prior to each national commission meeting. As a result of the meeting our compact section is in the process of developing a training program for all judges and probation chief's. We plan to hold at least two training seminars each year in addition to meeting regularly with the Ohio Judicial Conference and the Ohio Probation Chief's Association.

**Michigan:** Michigan has convened two meetings, one prior to the Arizona meeting and one following that meeting which was primarily for educational purposes. The committee is interested in more information and it was agreed that we would meet again following the June 5 - 6 meeting in Lexington, KY

Ed Ligtenberg is South Dakota's Compact Administrator and Midwest Representative to the Interstate Commissions Executive Committee.



## South Regional Report—Reports from Selective Regional States

### South Carolina:

The State Council is awaiting the appointment of two replacement members - the judicial and victims representatives. Circuit Court Judge Henry Floyd, a principal supporter in the need for educating the judiciary as to the Compact, is awaiting confirmation to the Federal bench. Ms. Kelly Cordell resigned her position as Director of the State Office of Victim's Assistance to assume a position within another agency. Since the implementation of the ISC Application Fee requirement in August 2002, collections have exceeded \$41,000. All fees collected will be retained by the Department of Probation, Parole and Pardon Services to offset costs related to the Compact.

### Alabama:

Alabama is in the process of filling its state council. We have 5 of 9 members in place. Staff plan to meet with the council prior to the commission meeting in November.

### Florida:

The Florida State Council had its first meeting in April 2003. It was very informative and all participants were energetic and looked forward to being very active in the processes of Interstate Compact. Points discussed included the need for change as well as the timeline for change, goals of the new compact and their role as members of the State Council. Recommendations of the State Council included the possibility of charging an Application Fee for Florida Compact cases as well as a Waiver of Extradition Fee or Bond for all offenders leaving the state. Our next State Council meeting is scheduled for July 2003 when we will begin making assignments to various council members concerning an information blitz to various statewide organizations, judicial and local governments regarding the New Compact.

### Louisiana

The State Council members in Louisiana have all been appointed by the Governor, however, the Council has been unable to meet due to the busy legislative session and other reasons. The session will be over soon, and we hope to have the first Council meeting by the end of the summer. The Deputy Compact Administrator, Gregg Smith, who handles the day to day operations of the Compact, has been travelling to the Probation and Parole districts to provide training that keeps Supervisors and Officers updated on Compact rules and procedures.

### Georgia

Georgia will be appointing the remaining members of their state council soon. Governor Sonny Perdue recently signed into law, Senate Bill 47 which allows the Parole Board and Department of Corrections to charge a \$25.00 application fee for those parolees and probationers who transfer to another state under the compact. This fee should more than offset any costs related to the assessment by the National Commission.

*Joe Kuebler is Georgia's Compact Administrator and Southern Regional Representative to the Interstate Commissions Executive Committee.*



## Western Region Report

**Arizona** reports that with the election of a new governor this year there has not been an appointment of a new Director of Corrections; consequently their state council is on hold. They are hopeful this will happen soon so they can get things organized and start the process.

**Idaho** reports that with lawmakers continuing to resolve money issues, some of the work completed earlier this session is impacting the department. Two new laws increase or add fees for offenders. One law increases the Cost of Supervision fee for offenders on probation or parole. The increase from \$35 to \$40 goes into effect May first. Even as they continued work, a law legislators passed began impacting offenders requesting transfer out of state. Beginning April first, offenders seeking supervision in another state pay a \$50 application fee. Interstate Compact Administrator Julianne Crosby says, "During the first two weeks we collected \$500.00. Revenue generated will cover the \$18,000 annual assessment fee the State of Idaho is charged by the Interstate Commission for Adult Offender Supervision."

**Montana's** legislature passed a bill this April allowing our Interstate Unit the ability to charge a \$50 transfer application fee, which will be implemented in July, 2003. We also will be starting to Interstate Conditional Release Offenders as defined in compact rules Section 100-D. These offenders are offenders who have been released from incarceration after adjudication of guilt and sentencing with such continued release contingent for a period of time upon the adherence by such person to specified conditions.

**Oregon** reports the Governor and Supreme Court have made the first appointment to the State council. They hope to have their initial meeting in June or July, 2003. Oregon, like so many other states has been by serious budget issues and the legislature is in session dealing with that.

Washington's legislature recently passed, and Governor Gary Locke has signed legislation that increases the amount of earned early release time for certain prison inmates, and significantly reduces field caseloads by relieving the department of the responsibility of supervising lower risk cases. The legislation was in response to an estimated \$2.8 billion budget deficient for fiscal year 2003-2005. The deficit represents slightly more than 10% of the total budget for the two-year biennium.

Effective, July 1, 2003, prison inmates who are incarcerated for non-violent crimes will be eligible to earn up to 50% earned early release credits, an increase from the prior maximum credits of 33%. The bill excludes from this category violent and sex offenses, crimes against persons, methamphetamine violations, residential burglary, and drug sales to minors. It also decreases from 15% to 10% the amount of earned early release credits for certain serious sex offenders. Field supervision caseloads will see a significant reduction in case numbers as the new legislation only allows the department to provide supervision for the two highest risk categories of offenders.

**Nevada's** State Council met in November 2002. The Council was given a brief overview of how the Compact works, statistics on Nevada outgoing and incoming cases, and the history of the compact. Appointments by Governor Guinn, with the exception of a representative of the judiciary, have filled all positions on the council.

**California**, like so many states continues to struggle with budget issues. Their state council has met and was functioning, however, with the budget issues taking priority it has become a secondary issue. Fiscal concerns have caused the Governor's office to reduce the number of meetings for some boards and commission to one per year and the State Council falls under that mandate. Some member's terms have expired which will require new appointees from the Governor. California remains optimistic and positive about the new compact.

**Utah** has held five State Council meetings since last July. They are very happy with the representatives appointed to the council and the success they have realized so far. The council has been successful in raising the awareness of the Compact in the state and has assisted with issues concerning the courts and prosecutors. Utah has suffered budget shortfalls as well. The Department of Corrections has been forced to take a new look at how they supervise probationers and parolees. Like many states they have made the decision to spend their resources on high risk offenders. This has resulted in the Department not actively supervising low risk misdemeanors. The Compact Administrator is in the process of providing training in each of the 8 judicial districts. He is also planning on training sessions with the state prosecutors association. The council has also recommended a change in statute to allow for a \$50 application fee.

*Don Blackburn is Utah's Compact Administrator and serves as Western Regional Representative on the Interstate Commission's Executive Committee.*





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## Interstate Commission hires first Executive Director

The Interstate Commission for Adult Offender Supervision, located within The Council of State Governments, has recently appointed Don Blackburn as its first Executive Director. The Interstate Commission, formed in 2002, is composed of the 47 member states to the new Interstate Compact for Adult Offender Supervision. Mr. Blackburn has more than 30 years experience in law enforcement and corrections, both as an officer and administrator. During his career, he has served as a Deputy Sheriff, Probation & Parole Agent and a Corrections Administrator. Mr. Blackburn recently retired as Utah's Adult Compact Administrator, where he served for nine years.

During his tenure in Utah, he served as president of the Parole

and Probation Compact Administrators Association (PPCAA) and is the recipient of numerous awards, including the Utah Department of Corrections Executive Director's Award, Director's Achievement Award, a 3-time recipient of the Utah DOC Medal of Merit and winner of the PPCAA William Frederick Award. Mr. Blackburn is a graduate of Weber State University with a B.S. in Criminal Justice & Communications. Don can be reached at the Commission offices, (859) 244-8229 or [dblackburn@csg.org](mailto:dblackburn@csg.org). For more information on the Interstate Compact for Adult Offender Supervision or the Interstate Commission, please visit [www.adultcompact.org](http://www.adultcompact.org).

